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9 Attorneys for United States of America

10 UNITED STATES MAGISTRATE COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, )

14 Plaintiff, )

15 v. )

16 JULIO VEGA, )  
IRMA VEGA, )

17 Defendants. )  
18

No. CR 3 - 07 - 70026 JL

[~~PROPOSED~~] ORDER EXCLUDING  
TIME FROM APRIL 12, 2007 TO  
MAY 2, 2007 FROM THE SPEEDY  
TRIAL ACT CALCULATION  
[18 U.S.C. § 3161(h)(8)(A), (B)]

19 With the agreement of the parties, and with the consent of the defendant, the Court enters  
20 this order scheduling an arraignment or preliminary hearing date of May 2, 2007, at 9:30 a.m.  
21 before the duty magistrate judge, as well as documenting the defendants' waiver of the  
22 preliminary hearing date under Federal Rule of Criminal Procedure 5 and the exclusion of time  
23 under the Speedy Trial Act, 18 U.S.C. § 3161(b), from April 12, 2007 to May 2, 2007. The  
24 parties agree, and the Court finds and holds, as follows:

25 1. The defendants are in custody and have pending, active warrants out of Sonoma  
26 County.

27 2. The defendants both agree to an exclusion of time under the Speedy Trial Act based  
28 upon the need for defense counsel to continue to review discovery in the context of attempting to

1 resolve this matter prior to indictment.

2 3. Counsel for the defendants believe that postponing the preliminary hearing is in his  
3 client's best interest, and that it is not prejudicial for the defendant to provide the United States  
4 with approximately three additional weeks to indict the case, or otherwise resolve the matter  
5 short of indictment, by a May 2, 2007 preliminary hearing date.

6 4. The Court finds that, taking into the account the public interest in the prompt  
7 disposition of criminal cases, these grounds are good cause for extending the time limits for a  
8 preliminary hearing under Federal Rule of Criminal Procedure

9 5. Given these circumstances, the Court finds that the ends of justice served by  
10 excluding the period from April 12, 2007 to May 2, 2007, outweigh the best interest of the public  
11 and the defendant in a speedy trial and ensure effective preparation of counsel. Id. §  
12 3161(h)(8)(A) and (B).

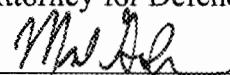
13 5. Accordingly, and with the consent of each of the defendants, the Court (1) sets a  
14 preliminary hearing date of May 2, 2007 before the duty magistrate judge at 9:30 a.m.; and (2)  
15 orders that the period from April 12, 2007 to May 2, 2007, be excluded from the time for  
16 preliminary hearings under Federal Rule of Criminal Procedure 5 and Speedy Trial Act  
17 calculations under 18 U.S.C. § 3161(h)(8)(A)&(B)(iv).

18 **STIPULATED:**

19 DATED: 5.2.07

  
MIRANDA KANE  
Attorney for Defendant Irma Vega

21 DATED: 5/2/2007

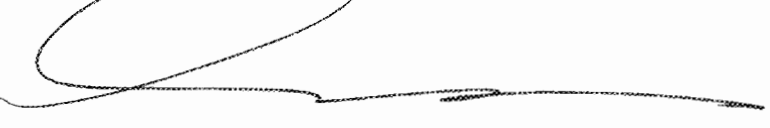
  
MARK GOLDROSEN  
Attorney for Defendant Julio Vega

23 DATED: 5/2/2007

  
TIMOTHY J. LUCEY  
Assistant United States Attorney

25 **IT IS SO ORDERED.**

27 DATED: 5/2/07

  
HONORABLE EDWARD M. CHEN  
United States Magistrate Judge